

Appl. No. 10/016,532
Response dated March 18, 2004
Reply to Office Action dated December 18, 2003

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicants regard as the invention.

Applicants acknowledge with appreciation the Indicated allowability of claims 4-6, 8, and 9 if rewritten into independent form. Claims 4-6, 8, and 9 depend from either claim 1 or claim 2, both of which are believed to be allowable for the reasons discussed herein. However, applicants reserve the right to cast claims 4-6, 8, and 9 into independent form at a later date, if necessary.

The specification was objected to for containing informalities. Thus, the specification has been amended in accordance with the Examiner's suggestions.

Claims 1, 3, 8, and 16 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. In particular, the Examiner contends that there is insufficient antecedent basis for the limitation "said casing" in claim 1. Accordingly, claim 1 has been amended herein to change "said casing" to "said constraining member".

Claims 1 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (U.S. Patent No. 5,279,564). Traversal of this rejection is made for at least the following reasons. Taylor does not disclose an internal bolster having a first orientation generally aligned with a longitudinal axis of a tubular portion with a radial wing wrapped into a generally cylindrical configuration, as required by claim 1. The Examiner relies on spring 12 and arm 22 as being equivalent to the claimed radial wing. However, while the spring 12 and arm 22 of Taylor are positioned onto the body of the cannula 10, the spring 12 and arm 22 are not wrapped into a generally cylindrical configuration. Accordingly, Taylor does not disclose each and every element set forth in claim 1. Withdrawal of this rejection is respectfully requested.

Claims 1 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Semrad (U.S. Patent No. 4,986,810). Traversal of this rejection is made for at least the following reasons. Semrad does not disclose that removal of a casing permits an internal bolster to move from a first orientation to a second orientation, as recited in

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claim 1. The Examiner relies on wings 14 and 15 of Semrad as being equivalent to the claimed internal bolster. However, the wings 14 and 15 do not move from a first orientation to a second orientation upon removal of tube 20. Rather, in Semrad, to move the wings 14 and 15 from a first orientation to a second orientation, slight pressure must be applied to a proximal end of the catheter 10 outside of the patient to cause the wings 14 and 15 to spread against an inner wall 21. Thus, because Semrad does not disclose each and every element set forth in claim 1, Semrad does not anticipate claim 1. Withdrawal of this rejection is respectfully requested.

Claim 2 was rejected under 35 U.S.C. 102(b) as being anticipated by Picha et al. (U.S. Patent No. 5,941,855). Traversal of this rejection is made for at least the following reasons. Picha et al. does not disclose a constraining member encasing an internal bolster to cover at least a major portion of a wrapped wing, as recited in claim 2. Rather, Picha et al. discloses a suture member or thread 30 to restrain first and second fingers 18 and 20. As illustrated in Figs. 1-4, 6, and 7, the suture member 30 does not cover at least a major portion of the first and second fingers 18 and 20.

Further, Picha et al. does not disclose said constraining member having a ripcord attached thereto for tearing said constraining member. Rather, Picha et al. discloses that a first portion of the suture member is wound around the first finger 18 in a multiple slip-knot configuration such that pulling of the first portion causes the suture wrap to unravel, thereby releasing the first finger 18. A rod member 26 is then pulled out of a tubular portion 12 and a pocket 22 to release the second finger 20.

For at least the aforementioned reasons, Picha et al. does not disclose each and every element set forth in claim 2. Accordingly, Picha et al. does not anticipate claim 2. Withdrawal of this rejection is respectfully requested.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (U.S. Patent No. 5,279,564) in view of Parks (U.S. Patent No. 4,685,901). Traversal of this rejection is made for at least the following reasons. Claim 16 depends from claim 1, which is believed to be allowable over Taylor for the reasons discussed herein. Parks does not make up for the aforementioned deficiencies of Taylor. Accordingly, the combination of Taylor and Parks does not make obvious claim 16.

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Moreover, it is submitted that there is no suggestion or motivation in either the references themselves or in the knowledge generally available to one of ordinary skill at the time of the invention to substitute/modify the spring and arm assembly of Taylor with the locking ring of Parks. In particular, Taylor expressly teaches against using a locking ring. The 'Background of the Invention' section of Taylor states:

In the past, cannulas have been attached to the body wall by separate mechanisms. One mechanism engages the underside of the body wall to prevent cannula pull-out. The other mechanism is put in place outside the body wall to prevent the cannula from being pushed in. These separately actuatable mechanisms for securing the cannula against pull out or push in present problems in reliability of engagement to the body wall and difficulty in obtaining the necessary fixation of the cannula to the body wall. Col. 1, lines 28-37.

Thus, because Taylor, considered 'as a whole' would lead away from substituting/modifying the spring and arm assembly with the locking ring of Parks, it is submitted that the combination of Taylor and Parks is improper. Withdrawal of this rejection is respectfully requested.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Picha et al. (U.S. Patent No. 5,941,855) in view of Parks (U.S. Patent No. 4,685,901). Traversal of this rejection is made for at least the following reasons. Claim 17 depends from claim 2, which is believed to be allowable over Picha et al. for the reasons discussed herein. Parks does not make up for the aforementioned deficiencies of Picha et al. Accordingly, the combination of Picha et al. and Parks does not make obvious claim 17.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 29462.

Respectfully submitted,
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